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EXAMINER

BURGESS, BARBARA N

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/977,500

Filing Date: October 16, 2001

Appellant(s): WILCOCK, LAWRENCE

Randy A. Noranbrock
Reg. No. 42,940
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 28, 2007.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to Be Reviewed on Appeal*

The appellant's statement of the issues in the brief is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,434,599 B1	Porter	08-2002
5,828,843	Grimm et al.	10-1998
5,958,014	Cave	09-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-20, 22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6,434,599 B1) in view of Grimm et al. (hereinafter "Grimm", US Patent 5,828,843).

As per claims 1, 17, and 22, Porter discloses a method, service system, and a processor arrangement for establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system, the method comprising:

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- Processing a communication request received at the service system on the basis of information associated with the request, said processing including (column 4, lines 51-53, column 8, lines 24-27):
- Selecting, by the service system, from a pool of current communication sessions, an appropriate session for the communication requested based on session information of the current communication sessions and where no appropriate session currently exists, creating a new appropriate session (column 1, lines 23-35, 65-67, column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 8, lines 45-50);
- Selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created in step (a) (column 4, lines 34-37, 51-55, column 5, lines 65-67, column 6, lines 1-5, column 7, lines 1-10, 23-27).

Porter does not explicitly disclose identifying by the service system an appropriate session based on comparing session information of one or more of the current sessions with information associated with the communication request.

However, in an analogous art, Grimm discloses a matchmaker that forms matched sets of users by either automatically matching users into matched sets or allowing users to create match offers that other users may browse and then choose to join.

The matchmaker compares the user attributes to the communication attributes, application attributes, and other user attributes of matched sets and/or offers (column 3, lines 45-50, column 4, lines 18-30, column 5, lines 31-34, 43-49, 58-65).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Grimm's identifying by the service system an appropriate session based on comparing session information of one or more of the current sessions with information associated with the communication request in Porter's system to make sure that the requesting user's attributes are compatible with those of other clients.

As per claims 2, 18, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information input by a party associated with an endpoint system generating the communication request (column 3, lines 19-28, column 4, lines 31-37, 51-58, column 5, lines 45-55, column 8, lines 15-27).

As per claims 3, 19, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information about a topic of interest to the party, the information being derived from the identity or content of information pages served to that party from an information page server (column 1, lines 60-67, column 2, lines 1-10, column 3, lines 20-27, 32-35, column 4, lines 22-28).

As per claims 4, 20, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system and includes an identifier of that party, said information associated with the communication request including information obtained by the service system as a result of accessing a party-profile database using the party identifier (column 4, lines 34-42, 51-55, column 6, lines 23-30).

As per claim 5, Porter discloses a method according to claim 1, wherein a first endpoint system wishing to communicate with a second endpoint system appropriate to a target subject, sends a communication request to the service system with information identifying itself and describing the target subject, the service system carrying out steps (a) and (b) to provide an appropriate communications session and select an appropriate second endpoint system, the service system inviting the selected first and second endpoint systems into the communication session (column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 7, lines 1-10, 23-27, column 8, lines 45-50).

As per claim 7, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service system creates a respective service-session functional entity which, when joining an endpoint system to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint system or an associated proxy, said endpoint system or

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associated proxy then using the connection details to connect itself to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28).

As per claim 8, Porter discloses a method according to claim 7, wherein the service session functional entity comprises a session instance with generic behavior for adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 9, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service session creates a respective service session functional entity that comprises a session instance with generic behavior capable adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 10, Porter discloses a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data

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transfer channels, for different media types, between endpoint systems joined to the communication session (column 8, lines 20-23).

As per claim 11, Porter discloses a method according to claim 10, wherein the endpoint systems include web browser functionality, the service system includes functionality, and the transport mechanism includes channels, for at least two of the following: text chat, follow-me page-push, and packetized voice (column 8, lines 20-23).

As per claim 12, Porter discloses a method according to claim 7, wherein the transport mechanism associated with a communication session includes multiple data transfer channels, for different media types, between endpoint systems joined to the communication session, the connection details passed to an endpoint system, or its proxy, comprising details of the media channels associated with the communication session, and the endpoint system or its proxy using these details to establish corresponding media channel connections to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 13, Porter discloses a method according to claim 7, wherein the state of connection of an endpoint system to the transport mechanism is signaled to the session service functional entity by leg messages passed between a leg controller of the endpoint system or its proxy and a corresponding leg controller of the service-

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session functional entity (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 14, Porter discloses a method according to claim 7, wherein an endpoint system or its proxy to be joined to a communication session already has connection functionality for joining and participating in a communication session, the service session functional entity of the communication session to which the endpoint system is to be joined inviting this endpoint system into the session by sending said connection details to the connection functionality of the system or its proxy (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 15, Porter discloses a method according to claim 7, wherein the service session functional entity of the communication session to which an endpoint system is to be joined, invites said endpoint system into the session by sending the latter both connection functionality for joining and participating in a communication session and said connection details (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 16, Porter disclose a method according to claim 14, wherein the connection details and functionality are sent in association with a web page served by the service system (column 1, lines 60-67, column 3, lines 20-35, 56-60, column 4, lines 20-28).

As per claims 25 and 26, Porter disclose a system according to claims 1, 17, wherein the information associated with the communication request comprises initiation context information (column 5, lines 45-67, column 6, lines 50-62).

3. Claims 6, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6,434,599 B1) in view of Grimm et al. (hereinafter "Grimm", US Patent 5,828,843) and in further view of Cave (US 5,958,014).

As per claims 6, 21, Porter, in view of Grimm, discloses a method and service system according to claims 1 and 17.

Porter, in view of Grimm, does not explicitly disclose wherein the service system is associated with a contact center and the said pool of available parties includes a pool of available customer service representatives.

However, in an analogous art, Cave discloses a system and method for establishing a data connection between a customer and service agent selected from an updated pool of available agents (Abstract, column 2, lines 10-20, column 3, lines 61-67, column 4, lines 4-12).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Cave's service system associated with a contact center and pool of available customer service representatives

in Porter's method and service system in order to connect the user to the next available agent for bi-directional data exchange.

(10) *Response to Argument*

Appellants argued in substance that:

(a) Porter fails to disclose selecting a specific party and associated endpoint system as claimed in claim 1.

In response, Applicant's argument filed has been fully considered but is not persuasive. Porter teaches an information site equipped to enable a chat session to be dynamically formed on-demand between all or a subset of users through which they chat with each other. The information site's chat session manager polls visiting users, informing them of an initiating user and his/her interest to chat. The visiting users are presented with descriptions of the initiating user as well as his/her interest. Interested visiting users (specific party) consenting to participate in such chat session are added (selected) to either an appropriate earlier formed chat session or a newly established one.

Therefore, after responding with interest, these consenting users are selected to participate in a chat session (column 4, lines 51-67, column 5, lines 15-21, column 8, lines 24-50).

Porter undoubtedly discloses selecting a specific party and associated endpoint system as claimed in claim 1.

(b) Grimm fails to disclose selecting a specific party and associated endpoint system as claimed in claim 1.

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In response, Applicant's argument filed has been fully considered but is not persuasive.

Grimm teaches a network match maker used to form matched sets of users by either automatically matching users into matched sets or allowing users to create match offers that other users may browse and then choose to join until full matched sets are completed. Users create their own specific match offers to other users to match with including specific, required attributes that a user must possess in order to join. Other users may attempt to join a particular offer. However, the network match maker will compare the attributes of the user with that of the match offer. If they do not match, the match maker will prevent the user from joining. If they do match, the user (specific party) is allowed (selected) to join the match. Therefore, the network match maker selects specific users to join the match offer (column 3, lines 45-50, column 4, lines 15-30, column 6, lines 51-67, column 7, lines 1-15).

Therefore, Grimm indeed discloses selecting a specific party and associated endpoint system as claimed in claim 1.

(c) Porter fails to disclose selecting a session followed by selecting a party as claimed in claim 1.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Porter teaches a visiting user desiring to chat initiates a chat session with other visiting users. Other visiting users consenting to chat with the initiating user may already be engaged in earlier formed chat sessions. An appropriate one of the earlier formed chat sessions is chosen and the initiating user and other non-participating consenting users

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are added to this session. Otherwise, a chat session is dynamically established for the consenting users to participate. Therefore, a session is selected or created and consenting users are selected to participate (column 4, lines 53-67, column 5, lines 1-21).

Grimm further teaches a client requesting an automatic match. The match maker will compare the client's attributes to that of existing match offers. If there is a match, the client will be entered into the match offer. However, if there is no match, the match maker creates a new match offer and joins the client to it. Other clients are then compared to be joined to this newly created match offer. Therefore, the match maker selects or creates the appropriate match and chooses qualified clients to join the match offer (column 6, lines 51-67, column 7, lines 1-15).

The combination of Porter and Grimm explicitly teaches selecting a session followed by selecting a party as claimed in claim 1.

(d) Cave fails to cure the above-noted deficiencies of Porter and Grimm. That is, Cave fails to disclose either selection of a session or selecting a session followed by selecting a party as set forth above with respect to claim 1.

In response, Applicant's argument filed has been fully considered but is not persuasive. Porter teaches a visiting user desiring to chat initiates a chat session with other visiting users. Other visiting users consenting to chat with the initiating user may already be engaged in earlier formed chat sessions. An appropriate one of the earlier formed chat sessions is chosen and the initiating user and other non-participating consenting users

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are added to this session. Otherwise, a chat session is dynamically established for the consenting users to participate. Therefore, a session is selected or created and consenting users are selected to participate (column 4, lines 53-67, column 5, lines 1-21).

Grimm further teaches a client requesting an automatic match. The match maker will compare the client's attributes to that of existing match offers. If there is a match, the client will be entered into the match offer. However, if there is no match, the match maker creates a new match offer and joins the client to it. Other clients are then compared to be joined to this newly created match offer. Therefore, the match maker selects or creates the appropriate match and chooses qualified clients to join the match offer (column 6, lines 51-67, column 7, lines 1-15).

The combination of Porter and Grimm explicitly teaches selecting a session followed by selecting a party as claimed in claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

Barbara Burgess

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